

STATE ARCHIVES AND RECORDS COMMISSION
Minutes of the Quarterly Meeting
September 13, 2007
Department for Libraries and Archives

The State Archives and Records Commission met at 10:00 a.m., Thursday, September 13, 2007, in the Board Room, Kentucky Department for Libraries and Archives (KDLA), 300 Coffee Tree Road, Frankfort, Kentucky.

Members present: Wayne Onkst, Chairman; Emily Dennis, representing Citizens-at-Large.

Representatives present: Charles Harman representing Laura E. Owens, Secretary, Education Cabinet; Amye Bensenhaver, representing Gregory D. Stumbo, Attorney General; Bryan Lykins, representing Crit Luallen, Auditor of Public Accounts; Charles Robb, representing Mark Rutledge, Commissioner of Technology; Leslie Smith, representing Robert Sherman, Director, Legislative Research Commission; Glenna Mays, representing Stan Cave, Acting State Budget Director, Governor's Office of Policy and Management.

Members not present or represented: Joseph E. Lambert, Chief Justice, Supreme Court; Terry L. Birdwhistell representing the University of Kentucky; Dean Johnson representing local governments; and Leah Hawkins, representing Citizens-at Large.

Public Records Division staff present: Barbara Teague, Acting Director, Public Records Division; Glen McAninch, Manager, Technology Analysis and Support Branch; Jim Cundy, Manager, State Records Branch; Mark Myers, Electronic Records Archivist; Pamela Compton, Records Analyst; Thomas Getman, Records Analyst; Cynthia Snapp, Administrative Specialist.

Guests present: None.

Onkst called for introductions by those present.

Mr. Harman made a motion to accept the minutes of the previous Commission meeting, seconded by Ms. Dennis. The vote by members and representatives present was unanimous.

NEW OR REVISED RECORDS RETENTION SCHEDULES

BOXING AND WRESTLING AUTHORITY

Pam Compton was the Records Analyst working on this schedule. **Additions to the Schedule:** Series 05636, Promoter File; Series 05637, Boxing/Mixed Martial Arts File; and Series 05638, Wrestling File

The Kentucky Boxing and Wrestling Authority is attached to the Department of Public Protection for administrative purposes. It is a five-member authority charged with the responsibility of overseeing all professional boxing and wrestling matches or exhibitions held in the Commonwealth. The KBWA is responsible for licensing wrestlers, boxers, referees, managers, and promoters. The members are appointed by the governor for four-year terms.

Compton summarized the new schedule.

Mr. Harman made a motion to adopt the new schedule, seconded by Ms. Smith. The vote by members and representatives present was unanimous.

EDUCATION CABINET – DEPARTMENT OF EDUCATION – OFFICE OF ASSESSMENT AND ACCOUNTABILITY

Getman was the Records Analyst working on this addition. **Additions to the Schedule:** Series 05717, Accountability Testing System Score Sheets and Essays.

The Office of Assessment and Accountability (OAA) supports the work of districts and schools in implementing the Commonwealth Accountability Testing System. The OAA supplies up to date information on regulations, policies and procedures, a calendar of important assessment dates, manuals and forms, and information for districts and schools on the application of testing data and research to improving instruction. As a part of the overall Accountability System, student performance is measured each spring using the Kentucky Core Content Tests and a nationally norm-referenced assessment. Core Content Tests include reading, mathematics, science, social studies, arts and humanities, as well as practical living/vocational studies and writing. The national norms tests are on mathematics and reading.

Getman summarized the schedule addition. The confidentiality citation KRS 61.878(1)(a) had been added on the recommendation of the Advisory Committee.

Ms. Smith made a motion to adopt the schedule addition, seconded by Mr. Lykins. The vote by members and representatives present was unanimous.

CABINET FOR HEALTH AND FAMILY SERVICES – DEPARTMENT FOR DISABILITY DETERMINATION

Compton was the Records Analyst working on these revisions. **Revisions to the Schedule:** These revisions do not represent changes in retention or disposition for these records series, but are completed Description and Analysis Forms where none had existed. Additionally, outdated series numbers were changed and new series numbers were assigned: Series 1620, Disability Case Folders is now Series 05720; Series 1623, Authorizations for Claimant Travel is now Series 05721; Series 1624, Authorization for Medical Evidence of Record is now Series 05722; Series 1624.1, Disability Determination and Transmittal is now Series 05723; Series 1624.2, Cessation or Continuance of Disability or Blindness Determination and Transmittal is now Series 05724.

The Department for Disability Determination Services makes disability determinations for residents of Kentucky, on behalf of the Commissioner of Social Security. The Department follows Federal Regulations to determine disability for both Supplemental Security Income (SSI) and Social Security Disability Income (SSDI). **The Department for Disability Determination Services does not take applications for disability benefits. Applications for disability benefits are filed at any of the 27 local Social Security offices throughout the state.** The Department does not determine technical eligibility for SSI or SSDI. Technical eligibility is determined by the local Social Security office and is based on "credits" earned by working for SSDI, and income and asset levels for SSI. The department follows Federal Regulations for performance accuracy and processing time standards. The mission of the department is to make accurate, timely and cost-effective disability determinations for citizens of Kentucky.

Compton summarized the schedule revisions.

Ms. Smith made a motion to adopt the schedule revisions, seconded by Mr. Harman. The vote by members and representatives present was unanimous.

BOARD OF EMBALMERS AND FUNERAL DIRECTORS

Getman was the Records Analyst working on this addition. **Additions to the Schedule:** Series 05631, Continuing Education Provider Approval.

The Kentucky Board of Embalmers and Funeral Directors is made up of five members appointed by the Governor. Four members are licensed embalmers and funeral directors, and one is a citizen at large. Legislative authority for licensing and monitoring funeral establishments and personnel is found in KRS Chapter 316 and 210 KAR Chapter 15. The legislative history of the Board dates back to the 1942 Kentucky Acts,

chapter 208, section 1. License requirements for a Funeral Director in Kentucky are a high school education, three consecutive years in apprenticeship and four hours per year of Continuing Education. For an Embalmer, the requirements are high school plus an Associate Degree in Mortuary Science and one year of apprenticeship. The Board is affiliated with the National and Kentucky Funeral Directors Associations and the International Conference of Funeral Service Examining Boards.

Getman reviewed the schedule addition.

Ms. Smith made a motion to adopt the schedule addition, seconded by Mr. Harman. The vote by members and representatives present was unanimous.

GENERAL SCHEDULE FOR STATE AGENCIES – MISCELLANEOUS RECORDS

Cundy was the Records Analyst working on these revisions. **Revisions to the Schedule:** Series M0002, General Correspondence would have its title changed to Routine Correspondence and its retention changed from Two years to Retain no longer than two years. Series M0001, Official Correspondence and Series M0018, Informational and Reference Material do not represent changes in retention or disposition. Rather, the Function and Use or disposition section of the Description and Analysis Form has been updated for clarification. Series M0018 will no longer apply to agency correspondence.

A General Schedule is a class of records retention schedule that governs the retention and disposition of specified records common to several or all public agencies. The General Schedule for State Agencies covers records for State Agencies. These submissions represent part of the continuing effort to update the General Schedule for State Agencies.

Cundy summarized the schedule revisions.

In response to a question by Ms. Dennis, Cundy said that decreasing the number of series pertaining to correspondence would make the retention schedule easier to use. Myers said that this would remove the need to differentiate between Series M0002, General Correspondence, and Series M0018, Informational and Reference Material.

Lykins noted that Local Government personnel have maintained General Correspondence for two years for some time and asked if that schedule is going to continue. Teague said that the Local Government General Records Retention Schedule will not change and that efforts would continue toward establishing the same retention period for General Correspondence on the General Schedule for State Agencies, the Local Government General Records Retention Schedule and the University Model Records Retention Schedule. PRD staff will continue to study these issues, and look at

best practices in other states, prior to making a recommendation to the Commission at a future date. The impetus for bringing the change before the Commission is in response to the public comments received from Commonwealth Office of Technology related to promulgation of 725 KAR 1:061. Concern was expressed regarding the amount of storage space required to maintain records for two years as opposed to up-to-two-years. With the up-to-to-year retention in place, however, there needs to be a policy in place within each agency to facilitate consistent disposal of Routine Correspondence. PRD staff believe that reducing the number of series applicable to correspondence and simplifying the definitions will encourage agencies to establish and implement a policy. Agency staff would be apprised of these changes and of the ongoing need to manage their e-mail.

Ms. Dennis said that record management should be a training requirement for new employees as well as staff members who may not be familiar with their roles and responsibilities. Cundy said former Public Records Division Director Richard Belding, and he had met with Thomas Stephens, Counsel for the Personnel Cabinet, regarding having material related to records management placed in the Employee Handbook. Mr. Robb stated that members of the COT staff support this goal and want to work with Personnel and Public Records Division staff in an effort to get the necessary training available.

In response to a question by Mr. Lykins, Teague said the COT representatives who attended the public hearing had recommended establishing a Task Force to study the impact and cost of e-mail management. She stated that a group will be formed in the near future, and that KDLA is considering how this advisory group will work and what its relationship will be to the Electronic Records Work Group.

Mr. Harman made a motion to adopt the schedule revisions, seconded by Ms. Smith. The vote by members and representatives present was unanimous.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Getman was the Records Analyst working on this addition. **Additions to the Schedule:** Series 05718 Commission Case Files; and Series 05719 Never Issued Recommended Orders.

When employers in the Commonwealth are cited under the Kentucky Occupational Safety and Health program for alleged violations of Kentucky's Occupational Safety and Health Act and Standards, the employer or an employee may contest the citations. The Occupational Safety and Health Review Commission is an independent, quasi-judicial body created under KRS 338.071, and operating under 803 KAR 50, that is empowered to hear and rule on appeals to these citations and associated sanctions or penalties. The commission is composed of three members who are appointed by the

Governor to represent the interests of employers, employees and the occupational safety and health profession. The first level of contesting a citation is a hearing and a ruling by a hearing officer employed under an agreement with the Attorney General's Office.

Getman reviewed the schedule addition.

Ms. Smith made a motion to adopt the schedule addition, seconded by Mr. Lykins. The vote by members and representatives present was unanimous.

STATE UNIVERSITY MODEL – ADMINISTRATIVE SERVICES; PERSONNEL/ PAYROLL

Cundy was the Records Analyst working on these additions and revisions. **Additions to the Schedule:** Series U0642, Family and Medical Leave Case File. **Revisions to the Schedule:** Series U0619, Performance Evaluations does not represent a change in retention or disposition. Rather, it is a clarification of the disposition section of the Description and Analysis Form.

The State University Model Schedule governs retention and disposition for records common among Kentucky's Public Universities and its Community and Technical College System. Series U0619, Performance Evaluations, are being updated to reflect the dispersal of those records among various administrative units in the university. Series U0642, Family and Medical Leave Case File, is being added to the schedule to document the use of Family and Medical Leave by college and university personnel. This is part of a continuing effort to update the State University Model Records Retention Schedule.

Cundy reviewed the schedule addition and revision.

Ms. Smith made a motion to adopt the schedule addition and revision, seconded by Mr. Harman. The vote by members and representatives present was unanimous.

LOCAL RECORDS GRANTS REVENUE

Onkst recognized Barbara Teague, who offered an update on the Local Records Grant Program, which has been active since 1984. This program had been funded with monies from the General Fund. In the 1980s the program received \$680,000.00 per year, but budget cuts had reduced the funding to \$430,000 by 2006. These funds assist county clerks, city clerks and other local officials with records management such as security microfilming, equipment, scanning and indexing. Last year, because of concern over diminishing grant funds, county clerks successfully lobbied legislators to pass House Bill 53, which instituted an increase of the Legal Process Tax on certain recorded

instruments. One dollar of that fee now comes to Kentucky Department of Libraries and Archives as an agency receipts fund for use in the Local Government Records Grant Program. Another provision in the bill froze the amount of General Fund money available for grants at \$430,000.00. The fee bill has generated over \$500,000.00 in the first six months of 2007. Overall implications of these increased monies for the Local Records Grants Program are still unclear, though the grant application cycles would remain the same for now.

ARCHIVES WEEK

Onkst recognized Teague, who said the sixth Kentucky Archives Week will be the week of October 7-13. Archives Week is sponsored by the Kentucky State Historical Records Advisory Board (SHRAB) and the purpose is to raise awareness of the work of archivists and archival institutions. The theme this year is Leisure. A poster will be produced and distributed. The department maintains a calendar of events and will conduct events during Archives Week. Coordination of Archives Week is in cooperation with the SHRAB, KDLA, and the state's professional archival association, the Kentucky Council on Archives.

CAPITAL CONSTRUCTION

Onkst said he and PRD staff had appeared several times before the Capital Planning Advisory Board and had also appeared before the State Government Committee to promote the Archives expansion project. Due to questions arising at those hearings, department staff had contacted all 116 public library systems as well as all community colleges in the state to inquire whether they have space available to store records. A unanimous response of "no space available" was received. KDLA is receiving significant support from the Education Cabinet and has been assured the expansion project will be a high priority on the budget recommendation.

E-MAIL MANAGEMENT TRAINING

Cundy summarized the e-mail management training that has been provided by PRD staff and shared that over 700 state employees have participated in more than 35 workshops to date. A notice will be sent out to all employees who participated in the workshops advising them of the action taken by the Commission. Continued training will be necessary as agency personnel need to be reminded of the importance of managing records as well as instructed on how to manage their records. PRD staff will continue to remind agencies to promulgate an e-mail management policy. Myers, who has been participating in training workshops, said that a sample e-mail management policy is being developed that agencies may use in combination with the Internet and E-Mail Acceptable Use Policy. Online training tools are also being developed.

ADMINISTRATIVE REGULATION

Onkst recognized Teague, who said that the department had submitted two administrative regulations in July. One regulation addresses the procedural aspects of records destruction and records retention scheduling. The other incorporates by reference all state and local agency records retention schedules approved by the commission. After allowing for public comment and holding a public hearing, PRD staff prepared a Statement of Consideration, which outlined comments received, and will be submitted to LRC. The regulations should go before the Administrative Regulations Committee for a hearing in October. Other regulations will be promulgated to support department procedures such as records transfer.

KDLA STRATEGIC PLANNING

Onkst mentioned that KDLA is currently developing a Strategic Plan and recognizes archives is fundamental to KDLA's mission and has an important role in the planning process. More information will be provided as it is available.

Onkst recognized Teague, who said that the Council of State Archivists (CoSA) had been working on ways to increase funding directed to states for preservation of historical records and archives. CoSA is attempting to establish formula funding from the federal government for archives to be administered through each state archives, much as historical preservation is funded through State Historical Preservation offices. This project is called the Partnership for the American Historical Record (PAHR). CoSA is asking for \$50 million to be apportioned to the states for this program. CoSA's leaders are seeking legislative sponsors for the program now and are asking interested parties at the state level to talk to their legislators. If this program were to be funded at the full \$50 million, Kentucky would receive \$780,000 for the first year, which would create substantial funding for archives at universities, historical societies, Diocesan archives and archives of all types.

COMMISSION MEMBERSHIP

Onkst advised the Committee there are currently five vacancies: Representative of the Kentucky Historical Society (KHS), Representative of the Kentucky Library Association (KLA), Representative of Colleges and Universities, and two Citizens-at-Large representatives. The Governor is considering appointments from KHS and the department has received nominations from KLA which will be submitted and the department will be asking the Governor to make two citizen appointments.

There being no further business, Onkst adjourned the meeting at 11:13.